

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : MECHLENBURG et al.
Appln. No. : Not Yet Assigned (CONT of U.S. Appln. No. 09/761,788)
Conf. No.: : Unknown
Filed: : March 29, 2004
Title: : MUSCLE STIMULATING DEVICE AND METHOD FOR
DIAGNOSING AND TREATING A BREATHING DISORDER

Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 96-04 D1C1

* * * * *

March 29, 2004

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:

Attached is a Form PTO-1449 listing the enclosed documents.

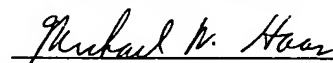
This Information Disclosure Statement is being filed within 3 months of the filing date of this application.

Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Nos. 09/761,788, filed January 17, 2001 and 09/173,871,

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on March 29, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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filed October 16, 1998, of which the present application relies upon for an earlier filing dated under 35 U.S.C. § 120. Therefore, no such copy is required to be submitted by the applicant with this Information Disclosure Statement per 37 C.F.R. § 1.98(d).

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per M.P.E.P. § 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

By 
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PTO/SB/08 Form (RESPIRONICS Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Application No.		Not Yet Assigned	
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U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		6,240,316	05-29-2001	Richmond et al.	
		6,123,384	10-17-2000	Christopherson et al.	
		6,099,459	08-08-2000	Jacobson	
		5,988,171	11-23-1999	Sohn et al.	
		5,979,456	11-09-1999	Magovern	
		5,945,762	08-1999	Chen et al.	
		5,891,158	04-06-1999	Manwaring et al.	
		5,814,089	09-29-1998	Stokes et al.	
		5,792,067	08-1998	Karell	
		5,792,040	08-1998	Koeneman et al.	
		5,766,124	06-1998	Polson	
		5,697,076	12-09-1997	Troyk et al.	
		5,591,216	01-1997	Testerman et al.	
		5,549,655	08-27-1996	Erickson	
		5,549,106	08-1996	Gruenke et al.	
		5,485,851	01-1996	Erickson	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number-Kind Code				
		EP-0 743 076-A1	11-20-1995	Medtronic		
		WO-98/37926-A1	09-03-1998	Schulman et al.		
		WO-98/43700-A1	10-08-1998	Schulman et al.		
		WO-98/43701-A1	10-08-1998	Schulman et al.		
		SU-1533-140-A	03-1990	Unknown		
		EP-0 494 787-B1	03-1996	Kallok et al.		
		EP-0 702 977-A2	03-1996	Testerman		

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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609. Draw a line through the citation if not in conformance and not considered. Per MPEP § 609, include a copy of this form with the next communication to the Applicant.

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		Number-Kind Code (if known)			
		5,483,969	01-1996	Testerman et al.	
		5,344,384	09-1994	Ostrow et al.	
		5,335,657	08-1994	Terry et al.	
		5,312,439	05-17-1994	Loeb	
		5,295,490	03-1994	Dodakian	
		5,265,624	11-1993	Bowman	
		5,211,173	05-1993	Kallok et al.	
		5,193,540	03-16-1993	Schulman et al.	
		5,193,539	03-16-1993	Schulman et al.	
		5,190,053	03-1993	Meer	
		5,158,080	10-1992	Kallok	
		5,123,898	06-1992	Liboff et al.	
		5,123,425	06-1992	Shannon et al.	
		5,078,674	01-1992	Cadwell	
		5,061,234	10-1991	Chaney	
		5,047,005	09-1991	Cadwell	

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		Number-Kind Code (if known)			
		4,850,340	07-1989	Onishi	
		4,830,008	05-1989	Meer	
		4,827,935	05-1989	Geddes et al.	
		4,788,533	11-1988	Mequignon	
		4,669,459	06-1987	Spiewak et al.	
		4,519,400	05-1985	Brenman et al.	
		3,480,010	11-1969	Crossley	

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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		Alan R. Schwartz, "Hypoglossal Nerve Stimulation in Obstructive Sleep Apnea", "New Therapeutic Approaches for Obstructive Sleep Apnea," Johns Hopkins Sleep Disorders Center, APSS Post-Graduate Course, May 30, 1995.	
		Richard S. Schwartz et al., "Effects of Electrical Stimulation to the Soft Palate on Snoring and Obstructive Sleep Apnea", December 20, 1995, Pages 1 - 17.	
		R.S. Schwartz et al., "Electrical Stimulation to the Soft Palate: Effects on Snoring and Sleep Apnea," Journal of Dental Research, Volume 75, Item 2874, Page 377.	
		Jali Medical, Inc., Newton, MA 02159; "Magstim 200 and Accessories Price List," May 1994.	
		Geddes et al., "Magnetic (Eddy-Current) Electroventilation in the Dog," Annals of Biomed. Engr., Vol. 21, June 1993, 193-197.	
		Geddes et al., "Electrically Produced Artificial Ventilation," Medical Instrumentation, Vol. 22, No. 5, October 1988, 263-271.	
		The Dobelle Institute, Inc., New York, NY; "Breathing Pacemakers" (as advertised in the New England Journal of Medicine, Neurosurgery, The Journal of Neurosurgery and Paraplegia News), November 1995; 3 pages.	
		Geddes et al., "Artificial Respiration in the Dog by Percutaneous, Bilateral, Phrenic Nerve Stimulation," Am. J. Emerg. Med., Vol. 9, No. 6, November 1991, 527-529.	
		Cadwell, "The Design and Applications of Cadwell Magnetic Coils," Cadwell Laboratories, Inc., Kennewick, WA 99336, 4 pages.	
		Mouchawar et al., "Magnetic Electrophrenic Nerve Stimulation to Produce Inspiration," Annals of Biomed. Engr., Vol. 19, 1991, 219-221.	
		Jalinous, "Guide to Magnetic Stimulation," Updated October 1993; 37 pages.	
		Voorhees et al., "Technical Note: Magnetically Induced Contraction of the Inspiratory Muscles in Dog" J. Clin. Engr., Vol. 15, No. 5, Sept./Oct. 1990, 407-408.	

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		Van de Graaff et al., "Respiratory Function of Hyoid Muscles and Hyoid Arch," American Physiological Society, 1984; 197-204.	
		Schnall et al., "Dilatory Effects of Upper Airway Muscle Contraction Induced by Electrical Stimulation in Awake Humans," American Physiological Society, 1995; 1950-1956.	
		Geddes et al., "Electroventilation," J. Emerg. Med., Vol. 3, No. 4, July 1985, 337-339.	
		Cameron et al., "Micromodular Implants to Provide Electrical Stimulation of Paralyzed Muscles and Limbs," IEEE Transactions on Biomedical Engineering, Vol 44, No. 9, Sept. 1997, pages 781-790.	
		Mouchawar, et al., "Short Communication Magnetic Electrophrenic Nerve Stimulation to Produce Inspiration," Annals of Biomedical Engineering, Vol. 19, 1991, pages 219-221.	

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